IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO. 3422 OF 2004

Samir Gul Mohamad Shaikh, .. Applicant

Vs

The State of Maharashtra, .. Respondent

Mr P.B.Shah, for the applicant.

Mr V.B.Konde-Deshmukh, APP for the respondent.

Mr V.R.Agandsurve, for the complainant.

CORAM : D.B.BHOSALE,J.

DATE : 24th AUGUST, 2004.

PC:

1. Heard the learned counsel for the parties.

2. The applicant has approached this Court for being released on bail in C.R.No.169/2004 registered at Sadar Bazar Police Station, Solapur, under section 307 of Indian Penal Code. The applicant is alleged to have assaulted his wife, to whom he had given the divorce, on 18.7.2004 by means of sword. I have perused the injury certificate of the victim. She seems to have suffered a simple injury on her left side of the buttock. She was in the hospital for hardly 2-3 hours. The applicant and the victim are police constables. The applicant has been suspended after the occurrence. The investigation, I am told, is almost complete. Mr Shah, learned counsel

for the applicant, on instructions, submits that the applicant will not enter the limits of Solapur except for attending the dates of hearing of this case in the Sessions Court. The applicant shall stay in Pune until the conclusion of his trial. Mr Agandsurve, learned counsel for the complainant, states that if the applicant is released on bail, there is every possibility that the applicant may make another attempt to kill her. The apprehension expressed by the learned counsel for the complainant can be taken care of by putting the applicant with stringent conditions. Considering the submissions of Mr Shah, and keeping in view the nature of the allegations and the injury suffered by the victim, I am inclined to enlarge the applicant on bail.

3. The applicant is directed to be enlarged on bail on his furnishing a personal bond of Rs.30,000/- with two local sureties of the like amount to the satisfaction of the trial Court, subject to the condition that he shall not enter within the jurisdiction of Solapur city until the conclusion of his trial, except for attending the dates of hearing of this case in Sessions Court in connection with this case. He shall keep informed his residential address to the concerned police station where he proposes to stay after his release on bail and

shall report to the nearest police station from the place of his residence on every Saturday between 10 am and 11 am until conclusion of his trial. He shall report the concerned Police Station as and when called.

. If the applicant enters the jurisdiction of Solapur City, except for the reason stated above, it is open for the police to arrest him and in that case this order of bail shall stand cancelled.

. While allowing this application, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall decide the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.BHOSALE, J.)